

Catering – Options Appraisal

	In-house provider	Leeds City Council, the Catering Agency	External Provider
Legal Implications	School CPRs and European Procurement Regulations do not apply	School CPRs and European Procurement Regulations do not apply	School CPRs and European Procurement Regulations do apply
	The Transfer of Undertakings (Protection of Employment) Regulations (TUPE) can apply if the current provider is an external contractor or Education Leeds provider	The Transfer of Undertakings (Protection of Employment) Regulations (TUPE) can apply if the current provider is an external contractor	The Transfer of Undertakings (Protection of Employment) Regulations (TUPE) and the Code of Practice on workforce Matters in Local Authority Service Contracts will apply if the current provider is a Council agency and TUPE can apply if the current provider is an external contractor
	The school will be responsible for compliance with all legal requirements (e.g. Health and safety, food safety, environmental and employment issues).	The agency will be responsible for compliance with all legal requirements (e.g. Health and safety, Food safety, environmental and employment issues)	The contractor will be responsible for compliance with all legal requirements (e.g. Health and safety, food safety, environmental and employment issues)
	With this option there is no need for a legal contract or SLA	With this option there is no need for a legal contract but there is a need for both parties to agree the SLA	There is a need for a legally binding contract to be put in place and there is a need for the school to conduct a fair and transparent procurement exercise
Staffing Implications	The school will be responsible for all recruitment and employment matters associated with the staff - including making appropriate provision for both short and long term staff absences.	The agency will be responsible for all recruitment and employment matters associated with the staff-including making appropriate provision for both short and long term staff absences	The contractor will be responsible for all recruitment and employment matters associated with the staff - including making appropriate provision for both short and long term staff absences.
	The school is responsible for ensuring that all catering and dining room staff are appropriately trained in accordance with current legislation and good practice	The Agency is responsible for ensuring that all catering and dining room staff are appropriately trained in accordance with current legislation and good practice	The contractor is responsible for ensuring that all catering and dining room staff are appropriately trained in accordance with current legislation and good practice.

Service Delivery Implications	The school is responsible for purchasing all materials and equipment - including the service and repair of all equipment	The agency is responsible for purchasing all materials and equipment - including the service and repair of all equipment	The contractor is responsible for purchasing all materials and equipment - including the service and repair of all equipment
	The school is responsible for sourcing all food suppliers, ensuring complete traceability of the food supply chain.	The agency is responsible for sourcing all food suppliers, ensuring complete traceability of the food supply chain.	The contractor is responsible for sourcing all food suppliers, ensuring complete traceability of the food supply chain.
	The school is responsible for arrangements to deliver the school meals service in times of emergencies ie equipment and utility failure.	The agency is responsible for arrangements to deliver the school meals service in times of emergencies ie equipment and utility failure.	The contractor is responsible for arrangements to deliver the school meals service in times of emergencies ie equipment and utility failure.
	The school is responsible for meeting the new school meals standards and targets including menu analysis and control and special dietary provision.	The agency is responsible for meeting the new school meals standards and targets including menu analysis and control and special dietary provision	The contractor is responsible for meeting the new school meals standards and targets including menu analysis and control and special dietary provision
Implications for the school	The school must prepare a service specification and robust business plan for Governing Body consideration.	The school must prepare a service specification and the agency prepares a service level agreement (SLA). For Governors consideration	School prepares a service specification. CPU provides terms and conditions of contract and other tender documents for Governing Body consideration
	This option does not fully market test the service	This option does not fully market test the service	This option can fully market test the service
	This option does not involve the school in a lengthy and possibly complex tender process	This option does not involve the school in a lengthy and possibly complex tender process.	A lengthy and possibly complex procurement process will have to be undertaken.
	This option can create a burden for the school in terms of time and resources to make this option work.	The Agency will be responsible for making this option work.	The contractor will be responsible for making this option work.